

MEMORANDUM FOR: Office of General Counsel

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ATTENTION : [REDACTED]

FROM : [REDACTED]

Acting Director of Personnel

SUBJECT : Request for Opinion

1. It was brought to our attention just recently that the WAEPA organization has been advised by the Department of Labor that it is subject to the provisions of the Employee Retirement Income Security Act (ERISA) of 1974. This causes us to be concerned with the possibility that that Act could be applicable to GEHA. In view of the criminal and civil penalties that are involved, it is requested that your Office advise us whether or not GEHA is covered by ERISA. Since this is a matter of deep concern to us, we should appreciate your opinion on this as soon as possible.

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2. When [REDACTED] was the legal advisor to the VIP, he was asked by the Board of Trustees to ascertain, among other things, whether or not VIP was subject to the requirements for reporting and disclosure prescribed by ERISA. After some months of research and discussions with officials at the Department of Labor and at Internal Revenue Service, [REDACTED] gave his oral report that the VIP was not required to submit to those provisions in ERISA. Bearing in mind that ERISA was a somewhat confusing and troublesome piece of legislation, especially during the period when Labor and IRS were trying to determine its requirements, we request that you again review the relationship of VIP to that Act and either reaffirm [REDACTED] opinion or prescribe to us the areas under which VIP must respond to the requirements for reporting and disclosure.

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